IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 22494 of 1996

Between:

M/s Universal Transformers Private Limited,

Plot No. 70, I.D.A., Road No.10, Mallapur,

Hyderabad, Rep.by its Assistant Sales Executive.

..... PETITIONER

AND

1. A.P. State Electricity Board,
   Rep. by its Secretary, Vidyut Soudha,
   Hyderabad.
2. Chief Engineer, Electricity,
   Metropolitan zone, A.P.S.E.B.,
   Mint Compound, Hyderabad.
3. Superintending Engineer, Assessments,
   A.P.S.E.Board, D.No. 6-3-347/17/11-A,
   Dwarakapuri Colony, Panjagutta,
   Hyderabad.
4. Assistant Divisional Engineer, Operation,
   A.P.S.E.Board, Malkajgiri, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Mandamus declaring the action of the Respondents in concluding that the petitioner is guilty of malpractice for exceeding the contracted load is illegal, arbitrary and contrary to I. E. Act and set-aside the orders passed by the 3rd respondent in SEA/Hyd/F.SBD-XX 376 (5)/SAT-5356 dated 29.09.1995 as confirmed by the 2nd respondent in Appeal 16/95-96 Ranga Reddy Circle as communicated in Letter No.CE/MZ/Hyd/SMRT/F/MA/D.No.1071/96 dated 6.8.1996.

Counsel for the Petitioner: MR.B.ADINARAYANA RAO

Counsel for the Respondents: SMT. M. VINOBHA DEVI, STANDING COUNSEL FOR APSEB

The Court made the following :

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER;

Heard both the learned Counsel.

The petitioner, who is running an industry for manufacture of Electrical Transformers, files this writ petition, *inter alia,* seeking to assail the impugned proceedings of the 3rd respondent herein dated 29.09.1995, making a demand on the basis of final assessment, as confirmed in the appeal by the 2nd respondent herein dated 06.08.1996 as illegal.

The case of the petitioner is that on 24.11.1993, the Assistant Divisional Engineer/4th respondent herein inspected his unit and found no irregularities. Later, the 4th Respondent issued an initial assessment notice dated 31.12.1993 stating that during the course of inspection, it was noticed that connected load of 73 H.P. was exceeded by connecting a load of 310.16 H.P. On the basis of that the 3rd respondent had passed final assessment order holding that the petitioner is guilty of

malpractice and fixed the liability at Rs.4,83,620/-. On an appeal, the said amount was reduced to a sum of Rs.4,72,189-62 Ps. Further, the case of the petitioner is that when the inspection was not done properly and the objections filed by it were not considered properly at any stage, the question of making such demand itself does not arise.

Having heard the submissions made on either side, and also on perusal of the record, it is seen that the inspection was made as long back on 31.12.1993 and during the pendency of these proceedings, the petitioner has already paid Rs.3,30,430/-. In view of long lapse of time, it cannot be said that the assessment, as made, is quite reasonable.

Accordingly, the Writ Petition is partly allowed confirming the orders of both the authorities, however, the amount of Rs.4,72,189/- i s reduced to Rs.3,30,430/- No costs.

_____

25th November, 2004

bud

That Rule Nisi has been made absolute as above.

Witness Hon'ble Sri Devinder Gupta, the Chief Justice, on this

Thursday, the Twenty Fifth Day of November, Two Thousand and Four.

Copy to:

1. The Secretary, A.P.State Electricity Board,

Vidyut Soudha, Hyderabad.

2. The Chief Engineer, Electricity,
MetropolitanZone, A.P.S.E.B.,
Mint Compound, Hyderabad.

3. The Superintending Engineer, Assessments,
A.P.S.E.Board, D.No. 6-3-347/17/11-A,
Dwarakapuri Colony, Panjagutta, Hyderabad.

4. The Assistant Divisional Engineer, Opeation,
A.P.S.E.Board, Malkajgiri, Hyderabad.

5. Two C.D.Copies.